

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KENT D. HARRIS, State Bar No. 144804
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-7859
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-240

13 SUSAN THOMAS,
a.k.a. SUSAN TEHANEY
14 3823 Pinecrest Drive
Mariposa, CA 95338

A C C U S A T I O N

15 Registered Nurse License No. 319486

16 Respondent.
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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about August 31, 1980, the Board issued Registered Nurse License
24 Number 319486 to Susan Thomas, also known as Susan Tehaney ("Respondent"). Respondent's
25 registered nurse license was in full force and effect at all times relevant to the charges brought
26 herein and will expire on October 31, 2009, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

licensed nurse
ing:

6. Code section 2762 states, in pertinent part:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

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7. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer . . .

8. Health and Safety Code section 11170 states that no person shall prescribe, administer, or furnish a controlled substance for himself.

9. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . ."

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES AT ISSUE

11. "Dilaudid", a brand of hydromorphone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(K).

12. "Morphine/morphine sulfate" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M).

13. "Demerol", a brand of meperidine hydrochloride, a derivative of pethidine, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (c)(17).

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1 the patient. Further, Respondent documented on the Record of Waste and Spoilage ("RWS")
2 that she wasted the Dilaudid because the patient had refused the medication (Respondent's entry
3 was countersigned by another nurse).

4 **Patient #3:**

5 c. On December 22, 2006, Respondent signed out on the CSAR Dilaudid
6 2 mg for patient #3 and charted on that same record that she administered the Dilaudid to the
7 patient at 1100 hours when, in fact, there was no physician's order authorizing the medication for
8 the patient.

9 **Patient #4:**

10 d. On December 28, 2006, Respondent signed out on the CSAR Dilaudid
11 2 mg for patient #4 and charted on that same record that she administered the Dilaudid to the
12 patient at 0830 hours when, in fact, there was no physician's order authorizing the medication for
13 the patient.

14 **Patient #6:**

15 e. On December 30, 2006, Respondent signed out on the CSAR Demerol
16 100 mg for patient #6 and charted on that same record that she administered the Demerol to the
17 patient at 1300 hours when, in fact, there was no physician's order authorizing the medication for
18 the patient.

19 **Patient #7:**

20 f. On January 3, 2007, Respondent signed out on the CSAR Dilaudid
21 2 mg for patient #7 and charted on that same record she administered the Dilaudid to the patient
22 at 1900 hours, when, in fact, there was no physician's order authorizing the medication for the
23 patient. Further, Respondent documented on the RWS that she wasted the Dilaudid
24 (Respondent's entry was countersigned by another nurse).

25 **Patient #8:**

26 g. On January 4, 2007, Respondent signed out on the CSAR Dilaudid
27 2 mg for patient #8 and charted on that same record that she administered the Dilaudid to the
28 patient at 1600 hours when, in fact, the patient was charged from the ED at 1500 hours.

Patient #9:

h. On January 5, 2007, Respondent signed out on the CSAR morphine sulfate 10 mg for patient #9 and charted on that same record she administered the morphine sulfate to the patient at 1000 hours, when, in fact, there was no physician's order authorizing the medication for the patient.

Patient #10:


i. On January 5, 2007, Respondent signed out on the CSAR Dilaudid 2 mg and Demerol 100 mg for patient #10 and charted on that same record she administered the Dilaudid and Demerol to the patient at 1300 hours when, in fact, there was no physician's order authorizing either medication for the patient. Further, Respondent documented on the left side of the RWS that she wasted the Demerol 100 mg, but indicated in the description column, "100 mg waste change to Dilaudid" (the entries were countersigned by another nurse).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 319486, issued to Susan Thomas, also known as Susan Tehaney;
2. Ordering Susan Thomas, also known as Susan Tehaney, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/8/09


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant